

Notes: March 18, 2016 Call between EPA Region 10 & State Agriculture Directors

Participants:

- *Washington State Department of Agriculture (WSDA): Derek Sandison and Patrick Capper*
- *Idaho State Department of Agriculture (ISDA): Brian Oakey and George Robinson*
- *Oregon Department of Agriculture (ODA): Katie Coba*
- *EPA: Dennis McLerran, Lucy Edmondson, Jim Werntz, Tony Barber, Linda Anderson-Carnahan, Catherine Gockel*

Round Table Updates:

Washington

Gypsy Moths

WSDA is proceeding with a gypsy moth eradication program, which includes seven sites in WA, one of which is Vancouver (shared with ODA because of a Portland application). The state released a SEPA threshold determination that the spraying will not have any significant impact on the environment. They are taking public comment until March 30th. Btk is the insecticide they plan to use. They will need an emergency declaration from the Governor before they can proceed with the spray program. WSDA expects to spray around April 27th. WSDA expects significant concerns once the program starts- they are gearing up with phone lines and folks available to answer questions. For the EIS, see:

<http://agr.wa.gov/PlantsInsects/InsectPests/GypsyMoth/ControlEfforts/EnvironmentalImpactStatement/2016EIS.aspx>.

Burrowing shrimp

Growers submitted another application for registration of imidacloprid and an NPDES permit to apply it. They intend to apply the pesticide during the July timeframe. WSDA is processing the request and evaluating it. WSDA is 30 days away from having a decision on the registration. If WSDA's decision is negative, then there is no decision for Ecology to make, since there would be no need for a permit for actual application. EPA's risk assessment on imidacloprid will likely be finalized in December.

Nooksack/Transboundary Water Quality Issues

WSDA is very concerned about Nooksack water quality and how to get all the parties moving together to look for long term and basin-wide solutions. WSDA wants cooperation and dialog with Canada so it's not so much of a black box, and is requesting EPA's help.

Dennis' response: Dennis raised this issue to his counterpart in Canada last year. Dennis will have an opportunity to talk about this again at the Salish Sea Conference in Vancouver this year. Dennis will raise the issue and try to get a meeting of the right folks on the Canadian side.

Cannabis and Hemp

Cannabis is legal for recreational use in WA, but none of that language covered the growing of industrial hemp. The WA legislature has grappled with that legalization language and how that regulatory structure should look. The legislature planned to establish an industrial hemp research and licensing

program in WA, and bills passed in both the house and senate with broad-ranging support. However, this was one of the 27 bills vetoed by the Governor in the 11th hour. It is not clear whether the program will move forward.

Oregon

Gypsy Moths

ODA and WSDA have coordinated well on the spray efforts. So far so good. ODA also expects public concern. One big spray area is Forest Park, a large park in downtown Portland. One woman and her neighbors have been very active in opposition (she raises silkworms and is concerned about future food for her silkworms). There is some concern that spraying Btk could contribute to air toxics issues in Portland.

Industrial Hemp

OR legalized the production of industrial hemp in 2009, and started implementing a program in 2014. Significant bumps- last year a dozen growers were licensed to grow, but only 4 or 5 had a viable crop. There were challenges because the statute was not very well put together. New legislation clarified the statute. ODA is moving forward with registering hemp growers in OR. ODA expects quite a few applicants this year- lots of interest. Growers are looking at products ranging from producing oil to more traditional uses of fiber, food, and supplements. Nobody is sure how easy it is to grow hemp in OR.

Pesticides Used on Cannabis and Hemp

ODA is working with WA and CO on pesticides used on cannabis and hemp. The list is comparable between the 3 states- all marijuana products are being tested. Guardian had ingredients not on the label- and states issued a stop-sale. The label was not accurate- EPA may need to play a more active role on these issues.

Ag and Water Quality

OR continues to work hard on the Ag Water Quality Program in moving forward with strategic implementation areas. The Clean Water Partnership includes state agencies, USDA NRCS, and local agencies. Ag water quality is a prime focus. They are making sure ODA is coordinated with other agencies, and focusing on multiple interests (e.g. in the coastal areas they are picking areas relevant to CZARA). Great work at the state level- ODA is thrilled with how the Ag Water Quality Program is moving forward.

Portland Air Toxics

This is a huge challenge in Portland. Monitoring by USFS on moss found high levels of cadmium and arsenic in Portland. Small glass companies are not covered by federal regulations, and look to be the cause. This has caused huge outcry among residents. The two glass companies have agreed to (at least temporarily) stop the use of the products causing the emissions. ODEQ is moving forward with rulemaking to regulate these entities.

Dairy Air Emissions

Concerns about dairy air emissions- there was consensus on the Dairy Air Task Force to investigate air quality emissions- but that work was never funded through DEQ. Now that air toxics are so topical, there is more interest in monitoring dairy air quality emissions.

Dennis response: Soil testing is showing the Portland air toxics issue is not a problem for leafy vegetables. Moss testing may be a new technique with implications for more than Portland (e.g. USFS will soon test moss in Cincinnati).

Idaho

Pollinator Protection Plan

ISDA is focused on putting together a pollinator protection plan. They have some history with pollinator issues, but it hasn't synthesized into a national plan. ISDA hopes to develop a good plan to help producers and applicators.

Worker Protection Standard

ISDA is making the adjustments to the new Worker Protection Standard. The rule will have a big impact. ISDA has had to shift this into a full FTE. It will be some time before they know the extent of the costs of implementing the Worker Protection Standard rule.

Certification and Training Rule

ID has weighed in with comments, but ID is experiencing that the cost to the states with agreements with EPA is significant and more than what's being predicted in the economic analysis. ISDA wants to keep in touch with EPA so EPA can understand how this impacts state programs and cooperative agreements.

Methyl Bromide

ID will be doing additional research this spring to gather data on inorganic bromide residues.

EPA Region 10 Updates and Notes

- ID smoke management working group between WA and ID. Some in ID are concerned about the number of burning day restrictions. Health concerns are more about PM than ozone. Good dialogue going on- likely a change that could allow some additional burning days.
- EPA budget update: 2017 lame duck budget. Congress may wait for a new administration, so EPA's budget is tentative.
- There is some funding in the EPA budget for states to draft pollinator protection plans.
- Pesticides and marijuana- New EPA workgroups- EPA values input from WA, OR, and CO.
- Oregon CZARA- EPA was sued by Northwest Environmental Advocates. EPA and NOAA determined that Oregon was not in full compliance with CZARA regulations because of its forest practices. EPA has disapproved Oregon's program, resulting in a loss of Clean Water Act 319 and NOAA funding (about 30% of Oregon 319 funding). EPA is working with Oregon to bring them back into compliance.
- EPA reorg- Region 10 will have a bigger science office in the region.
- Ag Advisor- Region 10 is moving towards a full time Ag Advisor position and will be hiring over

the next quarter.

- New advanced water quality monitor on the Nooksack- will give continuous information and hopefully help to pin-point problems that have contributed to shellfish bed closures.
- Methyl bromide- EPA is committed to continuing to work with Idaho on this issue.
- Metam sodium pesticide labeling- EPA has a meeting with NRCS on April 8.
- EPA ought to be able to engage re: enforcement and labeling re: marijuana.
- Admin McCarthy testified before House Ag Committee February 11th.
- EPA NPDES Pesticide General Permit- comment period closed.
- Nutrient Recycling Challenge- partnership. Innovative methods for nutrient recycling. Awards ceremony at the White House end of March.
- Jim Werntz- Highlighted the progress ID has made in developing the NPDES program package. Challenges re: how the CAFO General Permit will be implemented (possible MOU between IDEQ and ISDA).
- Lucy Edmondson- Has been participating in WA State Conservation Commission meetings. Lots of discussion about how to move forward on ag BMPs. Are there specific areas where we could do partnerships/projects with NRCS, EPA, and state Departments of Ag?
- Tony Barber- Will start announcing and recruiting a forestry advisor (has bearing on pesticide and CZARA issues).
- Dennis- EPA gave a grant to the NW Indian Fisheries Commission. One of their subawards was to the Swinomish Tribe, who has developed a "WhatsUpstream" advertising campaign. This campaign has resulted in a negative reaction from the dairy and ag communities, particularly in NW Washington. Now there is a counter website and counter campaign from the dairy and ag community.

Discussion

- WSDA- It's difficult to have constructive conversations with all this anger. Foresee continued conflict until folks can carry on a conversation.
- Dennis- Will be transitioning out at the end of the year. Is there anything Ag Directors would like Dennis to wrap up?
- ODA- Recommends continuing these information-sharing calls with the next Regional Administrator.
- Idaho and WA- These are valuable conversations.